

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

VICKY JONES, )  
                  )  
Plaintiff,     )  
                  )  
                  )  
v.               ) CIVIL ACTION NO.: **03:05-cv-0420-MEF**  
                  )  
UNITED STATES OF AMERICA, )  
                  )  
Defendant.     )

**MOTION TO CONTINUE**

Comes now the Defendant, the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and respectfully requests that the trial of this matter be continued to the term of Court scheduled to commence June 25, 2007, and that all deadlines in this matter be adjusted accordingly, and in support state as follows:

1.     The instant action evolves from an automobile collision between the plaintiff and a service member of the United States Army, Sergeant First Class (SFC) James R. Funk. SFC Funk is currently deployed in support of military operations in Iraq and is not scheduled to return to the United States until sometime in December, 2006.

2.     Given the above, the defendant respectfully requests that this matter be continued to the term of Court scheduled to commence June 25, 2007, and that all remaining deadlines in this matter be adjusted accordingly. To that extent the parties request that the deadline for dispositive motions be extended until on or about February

13, 2007, and that a pretrial conference in this matter be scheduled for sometime in early to mid May, 2007.

3. The interests of fairness and judicial economy will be served by allowing the parties the opportunity to depose SFC Funk and thereafter file any dispositive motions that may be available.

4. Counsel for the plaintiff has been contacted and he has no objections to this request.

Respectfully submitted this 20<sup>th</sup> day of July, 2006.

LEURA G. CANARY  
UNITED STATES ATTORNEY

By: s/R. Randolph Neeley  
R. RANDOLPH NEELEY  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 20<sup>th</sup> day of July, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/EDF system which will send notification of such filing to plaintiff's attorney, Richard F. Horsley, Esq.

s/R. Randolph Neeley  
Assistant United States Attorney